

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MEMORANDUM AND ORDER

Proud, Magistrate Judge:

This matter is now before the Court on the parties' Agreed Motion for Remand. (**Doc. 31**).

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, plaintiff will have the opportunity to submit additional evidence and arguments, as well as the opportunity for a

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 17.

hearing. They agree that an ALJ will "(1) further evaluate the nature and severity of Plaintiff's fibromyalgia; (2) further evaluate the medical opinion evidence of Drs. Kuester and Brister; (3) reassess Plaintiff's residual functional capacity; (4) if warranted, obtain supplemental evidence from a vocational expert; and (5) issue a new decision.

The Court notes that plaintiff applied for disability benefits in October 2011. (Tr. 15). Plaintiff's application has now been pending for almost four and one-half years. While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand (**Doc. 31**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Terri E. Gillespie's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: March 3, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE